

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

MARK RENFRO and GERALD LUSTIG,
individually and on behalf of all of those
similarly situated,

Plaintiffs,

v.

UNISYS CORPORATION, UNISYS
CORPORATION EMPLOYEE BENEFITS
ADMINISTRATIVE COMMITTEE, UNISYS
CORPORATION SAVINGS PLAN
MANAGER, PENSION INVESTMENT
REVIEW COMMITTEE, J.P. BOLDUC,
MATTHEW J. ESPE, GAIL D. FOSLER,
RANDALL J. HOGAN, CLAYTON M.
JONES, CLAY B. LIFFLANDER,
THEODORE E. MARTIN, CHARLES B.
MCQUADE, LAWRENCE W. WEINBACH,
FMR, LLC, FIDELITY MANAGEMENT
TRUST COMPANY, FIDELITY
MANAGEMENT & RESEARCH
COMPANY, and FIDELITY INVESTMENTS
INSTITUTIONAL OPERATIONS
COMPANY, INC.

Defendants.

Case Number: 07-cv-02098-BMS

Judge Berle M. Schiller

**FIDELITY DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF DEFENDANTS' MOTIONS TO DISMISS**

The Fidelity Defendants' briefs to this Court have explained why, on the reasoning of the Seventh Circuit's decision in *Hecker v. Deere & Co.*, 556 F.3d 575 (7th Cir. 2009), plaintiffs' claims must be dismissed. In response, plaintiffs not only have labored to distinguish *Hecker* but also have attempted to cast doubt on the decision's force, noting that the case was "subject to a petition for certiorari to the Supreme Court." Pls. Unisys Opp. 20 n.34. The Fidelity Defendants

hereby advise that the Supreme Court denied the *Hecker* petition on January 19, 2010. *See* January 19, 2010 Order List (attached hereto as Exhibit A).

Dated: January 26, 2010

Respectfully submitted,

By: /s/

John S. Summers (PA ID No. 41854)
HANGLEY ARONCHICK SEGAL & PUDLIN
One Logan Square
27th Floor
Philadelphia, PA 19103-6933
Telephone: (215) 568-6200
Fax: (215) 568-0300

*Counsel for Defendants Fidelity Management
Trust Company, Fidelity Management &
Research Company, and Fidelity Investments
Institutional Operations Company, Inc.*

Of Counsel:

Robert N. Eccles
Brian D. Boyle
Shannon M. Barrett
O'MELVENY & MYERS LLP
1625 Eye Street, N.W.
Washington, D.C. 20006
Telephone: (202) 383-5300
Fax: (202) 383-5414

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of January 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record:

Jerome J. Schlichter
Troy A. Doles
Schlichter, Bogard & Denton
100 South 4th Street, Suite 900
St. Louis, MO 63102

Counsel for Plaintiffs

Theodore H. Jobes
Fox Rothschild LLP
2000 Market Street, Tenth Floor
Philadelphia, PA 19103

Counsel for Plaintiffs

Joseph J. Costello
Brian T. Ortelere
Azeez Hayne
Emily Bieber
Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19101-2921

Counsel for the Unisys Defendants

Robert Eccles
Shannon Barrett
Stephen Brody
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006

*Counsel for Defendants Fidelity Management
Trust Company, Fidelity Management &
Research Company, and Fidelity Investments
Institutional Operations Company, Inc.*

/s/

John S. Summers